

IC 24-5.5-4

Chapter 4. Rescission of Contracts With Foreclosure Consultants and Foreclosure Reconveyance Agreements

IC 24-5.5-4-1

Homeowner's right to rescind foreclosure consultant contract and foreclosure reconveyance agreement; timing

Sec. 1. In addition to any other right under law to cancel or rescind a contract, a homeowner may rescind a:

- (1) contract with a foreclosure consultant at any time before midnight of the seventh business day after the date the contract is signed; and
- (2) foreclosure reconveyance agreement at any time before midnight of the seventh business day after the homeowner's transfer of the interest in the real property that is the subject of the agreement, as described in IC 24-5.5-2-4(1).

As added by P.L.209-2007, SEC.2.

IC 24-5.5-4-2

Notice of rescission of foreclosure consultant contract

Sec. 2. A homeowner effectively rescinds a contract with a foreclosure consultant if the homeowner gives written notice of a rescission to the foreclosure consultant by one (1) of the following:

- (1) Mailing the rescission to the address specified in the contract.
- (2) Sending the rescission through any facsimile or electronic mail address identified in the contract or other material provided to the homeowner by the foreclosure consultant.

As added by P.L.209-2007, SEC.2.

IC 24-5.5-4-3

Notice sent by mail; time of effectiveness; inconsistent rescission requirements

Sec. 3. (a) If a notice of rescission under this chapter is sent by mail, the rescission is effective three (3) days after the notice is deposited in the U.S. mail, properly addressed, with postage prepaid.

(b) A homeowner is not required to give notice of rescission in the form required under the contract if the form under the contract is inconsistent with the requirements under this chapter.

As added by P.L.209-2007, SEC.2.

IC 24-5.5-4-4

Homeowner's duty to repay amounts advanced before rescission

Sec. 4. (a) If a homeowner rescinds a contract with a foreclosure consultant or a foreclosure reconveyance agreement, the homeowner shall, not later than thirty (30) days after the date of rescission, repay any amounts paid or advanced by:

- (1) the foreclosure consultant or the foreclosure consultant's agent under the terms of the foreclosure consulting contract; or
- (2) a person under a foreclosure reconveyance agreement.

(b) A rescission by a homeowner under this chapter is void if the payments required under this section are not made within the time set forth in subsection (a).

As added by P.L.209-2007, SEC.2.

IC 24-5.5-4-5

Foreclosure consultant's duty to return payments made by homeowner

Sec. 5. If a homeowner rescinds a contract with a foreclosure consultant, not less than ten (10) days following the effective date of the rescission, the consultant shall return to the homeowner any payments made by the homeowner, less any amounts for actual services rendered.

As added by P.L.209-2007, SEC.2.